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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 LARRY DARNELL DUNOMES,

11 Petitioner,

12 v.

13 WASHINGTON STATE SUPERIOR
14 COURT FOR PIERCE COUNTY,

15 Respondent.

CASE NO. C12-5456 BHS-JRC

ORDER DIRECTING PETITIONER
TO NAME A PROPER
RESPONDENT

16 The petitioner in this action seeks habeas corpus relief from a state conviction and
17 sentence. The District Court has referred the case to the undersigned Magistrate Judge pursuant
18 to 28 U.S.C. §§ 636 (b) (1) (A) and (B) and Local Magistrate Judge Rules MJR 3 and MJR 4.

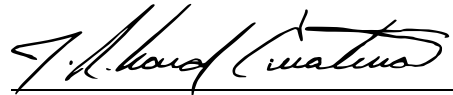
19 Petitioner names the Pierce County Superior Court as the respondent. The proper
20 respondent is “the person having custody of the person detained.” 28 U.S.C. § 2243. Petitioner
21 needs to name a natural person -- not a governmental entity. The proper respondent is the person
22 having custody of the petitioner. 28 U.S.C. § 2242. This person is usually the superintendent of
23 the facility in which the petitioner is incarcerated. The petitioner’s failure to name the correct
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1 party deprives this Court of personal jurisdiction. See Stanley v. California Supreme Court, 21
2 F.3d 359, 360 (9th Cir. 1994).

3 The Court Orders that petitioner file an amended petition or a motion to change the case
4 caption. If petitioner files an amended petition the amended petition will act as a complete
5 substitute for the original. The amended petition will be due on or before July 6, 2012. Failure to
6 comply with this order will result in a Report and Recommendation that this action be dismissed
7 for failure to comply with a court order and lack of in personam jurisdiction over the respondent.

8 The Clerk is directed to mail a copy of this Order to petitioner and note the July 6, 2012,
9 deadline on the court's calendar.

10 Dated this 31st day of May, 2012.

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13 J. Richard Creatura
14 United States Magistrate Judge
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